

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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METRO FUEL LLC,

Plaintiff,

No. 07 Civ. 8244 (PAC)

– against –

THE CITY OF NEW YORK,

Defendant.
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**NOTICE OF MOTION
(ORAL ARGUMENT REQUESTED)**

PLEASE TAKE NOTICE that, upon the Declarations of Eric Hecker, Esq., Michael A. Freedman, Jerry Wachtel, and Richard Bass filed simultaneously herewith in this Action, including all of the exhibits appended thereto, and upon the accompanying Memorandum of Law and Statement of Undisputed Facts Pursuant to Local Civil Rule 56.1, and upon all prior proceedings, pleadings, and filings in this Action, Plaintiff will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 20C, New York, New York, before the Honorable Paul A. Crotty, United States District Judge, on a date to be determined by the Court, for an Order granting summary judgment to Plaintiff pursuant to F.R.C.P. 56 or, in the alternative, preliminarily enjoining the City of New York, the Department of Buildings and any other governmental body with authority to enforce the laws of the City of New York pursuant to F.R.C.P. 65 from enforcing its advertising sign zoning restrictions against Plaintiff's panel signs, awarding Plaintiff reasonable attorney's fees and related costs in this action including pursuant to 42 U.S.C. § 1988, and awarding such other relief as may be appropriate.

Dated: July 28, 2008
New York, New York

Respectfully submitted,

By: /s/
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Eric Hecker (EH 0989)
Debra L. Greenberger (DG 5159)
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